



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,832	05/04/2001	Katsuakira Moriwake	450108-4484.2	2942
20999	7590	01/13/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			MUHEBBULLAH, SAJEDA	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/849,832		MORIWAKE ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Sajeda Muhebbullah		2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 143-148 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 143-148 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This communication is responsive to Amendment filed 8/24/2004.
2. Claims 143-148 are pending in this application. Claims 143 and 146 are independent claims. In the Amendment, claims 1-142 were cancelled and claims 143-148 were added. This action is made Final.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 143 and 146 are rejected under 35 U.S.C. 102(b) as being anticipated by Klingler et al. ("Klingler," US 5,404,316).

As per claim 143, Klingler teaches an editing system for editing a plurality of clips to produce an edit resultant clip, comprising:

editing means for edit processing said plurality of clips on the basis of clip management data defining the edit processing performed on each of said plurality of clips to produce said edit resultant clip (col.5, lines 2-15);

managing means for managing said plurality of clips on the basis of link information indicating a tree structure for linking said plurality of clips to produce said edit resultant clip (col.7, lines 64-68; col.8, lines 1-12); and

control means for modifying the edit processing performed on one of said plurality of clips in producing said edit resultant clip (col.1, lines 32-39) and automatically updating said clip

Art Unit: 2174

management data and link information for each of said plurality of clips in accordance with the modified edit processing (col.1, lines 33-34; col.2, lines 43-44; col.5, lines 46-63).

Independent claim 146 is similar in scope to independent claim 143, and is therefore rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 144 and 147 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingler et al. ("Klingler," US 5,404,316) in view of Duffy et al. ("Duffy", US 5,339,393).

As per claim 144, Klingler teaches storing of the clip management data and link information in a storage memory but does not disclose this storage to be a database. Duffy teaches an editing system where a database is used to store clip information (Duffy, col.2, lines 19-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Duffy's teaching with Klingler's system in order to provide an alternatively efficient means of storage.

Claim 147 is similar in scope to claim 144, and is therefore rejected under similar rationale.

7. Claims 145 and 148 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingler et al. ("Klingler," US 5,404,316) in view of Slye et al. ("Slye", US 5,261,820).

Art Unit: 2174

As per claim 145, although Klingler teaches the editing system wherein said control means automatically updates said clip management data and link information for each of said plurality of clips, Klingler does not teach updating data and link information in accordance with enable/disable flags corresponding to each of said plurality of clips. Slye teaches a method of editing a computer simulation wherein flags are set to indicate the update of views (col.5, lines 16-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Slye's teaching with Klingler's system in order to easily indicate only those clips which were modified.

Claim 148 is similar in scope to claim 145, and is therefore rejected under similar rationale.

#### *Response to Arguments*

8. Applicant's arguments filed 8/24/2004 have been fully considered but they are not persuasive.

Applicant argued the following:

a) While Klingler does disclose an apparent hierarchical structure in Figure 2. it does not discuss automatically updating information throughout the hierarchy when a clip is modified. This means the user must manually step through the editing processing again after each modification in order to regenerate the resultant clip.

The Examiner disagrees for the following reasons:

Per a) Klingler does teach the automatic update of the information regarding the resultant clip after editing of the resultant clip to update those areas effected by the modification (col.1, lines 33-34; col.2, lines 43-44; col.5, lines 46-63).

Art Unit: 2174

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Communications***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**. The examiner can normally be reached on Tuesday/Thursday from 8:00 am to 4:30 pm (EST) and on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on **(571) 272-4063**.

The fax number for the organization where this application or proceeding is assigned are as follows:

**(703) 746-7238** [After Final Communication]

**(703) 872-9306** [Official Communication]

**(703) 746-9915** [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 305-3900**.

Sajeda Muhebbullah  
Patent Examiner  
Art Unit 2174

*Kristine Kincaid*  
**KRISTINE KINCAID**  
**SUPV. ADVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**